

# List of Laws, Regulations, and Policy:

## Management Direction:

Multiple sources of management direction provide for development and implementation of projects on National Forest System lands. Laws, regulations, and policy of general relevance to this project are the Kaibab National Forest's (NF) Land and Resource Management Plan (LRMP), National Forest Management Act (NFMA), National Environmental Policy Act (NEPA), and the Multiple-Use Sustained-Yield Act. Additional resource specific management direction can be found within the respective specialist report located in the project record and available upon request.

**Kaibab NF Land and Resource Management Plan (LRMP):** The LRMP outlines desired conditions, standards, guidelines, and objectives for resources, uses, goods, services, and management areas on the Kaibab NF. Where necessary, project mitigation measures are included to facilitate progress toward desired conditions or ensure consistency with the standards and guidelines set forth in the plan.

**National Environmental Policy Act (NEPA):** The NEPA of 1969 requires Federal agencies to consider the environmental consequences of proposed actions and solicit input from State and local governments, Indian tribes, the public, and other Federal agencies during their decision making processes. The analysis satisfies the environmental effects analysis requirement, and also describes the agencies and persons consulted in development and analysis of the project.

**National Forest Management Act (NFMA):** The NFMA of 1976, as amended, requires development of land and resource management plans and governs administration of National Forests. As described above, this project complies with the Kaibab NF LRMP and thus NFMA.

**Multiple-use Sustained-Yield Act:** The Multiple-Use Sustained-Yield Act of 1960 states that it is the policy of Congress that national forests are established and shall be administered for outdoor recreation, range, timber, watershed, wildlife, and fish purposes, and authorizes and directs the Secretary of Agriculture to develop and administer the renewable surface resources of the national forests for the multiple use and sustained yield of products and services. This project is designed to satisfy the requirements of this act.

**National Historic Preservation Act (NHPA):** The primary legislation governing cultural resource management in the Forest Service is the NHPA of 1966 as amended. Section 106 of NHPA requires Federal agencies to take into consideration the effects of their undertakings on properties listed in or eligible for the National Register of Historic Places. Federal Regulations 36 CFR 800 contains procedures for implementing Section 106.

**Programmatic Agreement (PA):** A PA between the Southwestern Region of the Forest Service, the Arizona, New Mexico, Texas and Oklahoma State Historic Preservation Offices and the Advisory Council on Historic Preservation (USDA 2010) guides national forests in Region 3 in identifying, evaluating and protecting cultural resources on National Forest System lands.

**Endangered Species Act (ESA):** Section 7 of the ESA of 1973, as amended, and FSM 2670 direct Federal agencies to ensure that any action authorized, funded, or permitted by such agencies is not likely to jeopardize the continued existence of species listed, or proposed to be listed as Endangered or Threatened by the U.S. Fish and Wildlife Service. The Kaibab NF LRMP requires that project activities

and special uses occurring within federally listed species habitat should integrate habitat management objectives and species protection measures from approved recovery plans.

**Federal Land Policy and Management Act of 1976 (FLPMA).** Requires that all public lands be managed in a manner that will protect the quality of scientific, scenic, historical, ecological, environmental, air and atmospheric, water resources, and archaeological values. And that, where appropriate, will preserve and protect certain public lands in their natural condition, provide food and habitat for fish and wildlife and domestic animals, and provide for outdoor recreation and human occupancy and use. It also states that the United States shall receive fair market value of the use of the public lands and their resources unless otherwise provided for by law.

**Forest Service Directives System:** Forest Service Manuals (FSM) and Handbooks (FSH) serve as the primary basis for the internal management and control of all programs and the primary source of administrative direction for Forest Service employees. The FSM contains legal authorities, objectives, policies, responsibilities, instructions, and guidance needed on a continuing basis by Forest Service line officers and primary staff in more than one unit to plan and execute assigned programs and activities. FSH are the principal source of specialized guidance and instruction for carrying out the direction. Handbooks may also incorporate external directives with related USDA and Forest Service directive supplements.

**The Federal Water Pollution Control Act of 1972:** Public Law 92-500, as amended in 1977 (Public Law 95-217) and 1987 (Public Law 100-4) (also known as the Federal Clean Water Act (CWA)): This Act provides the structure for regulating pollutant discharges to waters of the United States. The Act's objective is "...to restore and maintain the chemical, physical, and biological integrity of the Nation's waters," and is aimed at controlling both point and non-point sources of pollution. The United States Environmental Protection Agency (EPA) administers the Act, but many permitting, administrative, and enforcement functions are delegated to state governments. In Arizona, the designated agency for enforcement of the CWA is the Arizona Department of Environmental Quality (ADEQ).

**Archaeological Resources Protection Act of 1979 (ARPA):** ARPA is to secure, for the present and future benefit of the American people, the protection of archaeological resources and sites which are on public lands and Indian lands.

**Native American Graves Protection and Repatriation Act of 1990 (NAGPRA):** NAGPRA provides a process for museums and Federal agencies to return certain Native American cultural items—human remains, funerary objects, sacred objects, or objects of cultural patrimony to lineal descendants, and culturally affiliated Indian tribes and Native Hawaiian organizations. NAGPRA includes provisions for unclaimed and inadvertent discovery of native American cultural items on Federal and tribal lands, and penalties for non-compliance and illegal trafficking.

**The American Indian Religious Freedom Act of 1978 (AIRFA):** AIRFA is to protect and preserve for American Indians their inherent right of freedom to believe, express, and exercise the traditional religions of the American Indian, Eskimo, Aleut, and Native Hawaiians, including, but not limited to, access to sites, use and possession of sacred objects, and the freedom to worship through ceremonials and traditional rites.

**Migratory Bird Treaty Act of 1918:** The Migratory Bird Treaty Act is a federal law that carries out the United States' commitment to four international conventions with Canada, Japan, Mexico, and Russia. Those conventions protect birds that migrate across international borders. The Take of all migratory birds, including bald eagles, is governed by the Migratory Birds Treaty Act's regulations. The Act prohibits the

taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts, and nests except as authorized under a valid permit. Additionally, the Act authorizes and directs the Secretary of the Interior to determine if, and by what means, the take of migratory birds should be allowed and to adopt suitable regulations permitting and governing take.